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Refugee Reports

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STATES PROTEST DEEP CUTS IN ADMINISTRATIVE BUDGETS, SAY WELFARE COSTS WILL INCREASE

In a year that may see 15,000 more refugees enter the United States than were originally expected, the federal government is imposing, among other reductions, a 38 percent cut in funding for state administration of refugee programs. The result, state refugee officials say, will be the closing of state refugee programs in up to 11 states, the elimination of key services in others, and an overall increase in welfare dependency rates, which had fallen in FY 87.

On March 3, the Office of Refugee Resettlement (ORR) in the Family Support Administration (FSA) sent a letter to state refugee coordinators nationwide reminding them that the FY 88 Continuing Resolution enacted on December 22 created a separate line-item in the budget for state administrative costs. In all previous refugee budgets, these costs had been included in the amount provided for cash and medical assistance. The $26,231,000 that Congress appropriated for state administrative costs, moreover, was only 62 percent of actual state expenditures for the previous year.

All further allocations in FY 88 for state administrative costs, the letter indicated, would have to account retroactively for the 38 percent reduction in funds. Since states had been spending at FY 87 levels for the first half of FY 88, the cut for the remainder of the fiscal year is all the more severe.

"The retroactive nature of the cut devastates the program," wrote Wisconsin's state refugee coordinator, Jules Bader, in a letter to Rep. Steve Gunderson (R-Wis.). "In actuality, it is a 76 percent decrease in expenditures for the last half of FY 88." Administrative costs in Wisconsin were $807,126 last year, said Bader. They must be reduced to $499,672 this year. With the bulk of this amount already spent by April 1, "this leaves a balance of $96,854 for all administrative costs for 6 months. Continued operation at that level will be impossible."

Wisconsin's refugee population is 22,292, the great majority of whom are Southeast Asian. Nearly 1,800 refugees, mostly Hmong, resettled in Wisconsin in 1987, and similar figures are expected in 1988, Bader said.

"The timing was a total disaster," acknowledged

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one ORR official. "Many states are in jeopardy. But we are in the kind of situation where every program has to take a cut."

The ORR budget for refugee and entrant assistance dropped by more than $68 million in FY 88. The Administration had proposed a figure of $33.8 million for state administration in submitting the FY 88 budget early last year, but Congress cut that down to $26 million.

Government sources indicate that the cut was made to bring refugee state administration costs, as a percentage of cash and medical assistance costs, in line with the mainstream welfare program, AFDC (Aid to Families with Dependent Children). Administrative costs for AFDC are about 12 percent of total program costs.

Survey of States Shows Negative Impact of Cuts Such a view, according to Arizona refugee state coordinator, Linda Bacon, betrays a fundamental misunderstanding of the refugee program on the part of the federal government. "They see this as a welfare program," she told Refugee Reports, "when, in fact, this is a social service program, of which welfare is only a part, and frequently a temporary measure of last resort."

Furthermore, Bacon said, "When they cut state administration, they are cutting the very thing that makes people self-sufficient." In a briefing paper she developed with Marvin Weidner, chief of the Iowa Bureau of Refugee Programs, Bacon pointed out that refugee state-administrative costs currently include direct costs for the operation and coordination of the program, indirect costs associated with state government, and case management for clients receiving cash and medical assistance.

Case management services will have to be eliminated in 17 of 32 states surveyed by Bacon and Weidner in February. These services vary from one state to the next, but generally involve a bilingual case manager working with new arrivals to determine eligibility for cash and medical assistance, assess the need for other services and make referrals, monitor progress, and follow up as appropriate. The survey quoted one state coordinator as saying, "When you take away our case management dollars, you eliminate our bilingual staff. Without our bilingual staff, there is no capability to help people stay out of welfare and become self-sufficient."

Below are the results of a March 4, 1988 telephone survey conducted by state refugee coordinators of ORR state offices regarding the impact of the reduction in the FY 88 ORR state-administration allocation.

1. States that have already expended up to or beyond their annualized allocations

Massachusetts, Michigan, Minnesota, Wisconsin, Washington, Oklahoma, Mississippi, Connecticut, Tennessee

2. States that will expend the allocation at current rates in the period April-May

Washington D.C., North Carolina, Maine, Ohio, Kentucky, Illinois, Montana, Colorado, Texas, Nevada, Arizona

3. States that will have to implement substantial contract and/or staff reductions in order to complete the fiscal year

Maryland, Oregon (June-July), Florida, Iowa, North Dakota, New Jersey

"Case management has contributed significantly to a lowering of welfare dependency by at least five percent at the national level," said Ron Spendal, state coordinator for the Oregon refugee program. "It is something that ORR has encouraged and now it is being cut." Oregon has been operating a refugee demonstration project for the last two years that relies on intensive case management. In that time, Spendal said, refugee welfare dependency during the first 18 months in the United States fell from 80 percent to 29 percent, with a savings of about $1 million over a two-year period.

One important reason for this success is that a case manager in the demonstration

COMPARISON OF REFUGEE DEPENDENCY RATES

STATE	FY 1987 POPULATION	FY 1987 CASH RECIPIENTS*	FY 1987 DEPENDENCY RATE	FY 1986 POPULATION	FY 1986 CASH RECIPIENTS**	FY 1986 DEPENDENCY RATE	Change from FY 86 to FY 87 12 months DEPENDENCY RATE
ALABAMA	629	182	28.9%	872	282	32.3%	- 3.4%
ALASKA	62	0	0.0%	0	0	0.0%	0.0%
ARIZONA	2,246	111	4.9%	2,298	118	5.1%	- 0.2%
ARKANSAS	453	114	25.2%	470	32	6.8%	18.4%
CALIFORNIA	62,460	48,147	77.1%	65,853	57,259	86.9%	- 9.9%
COLORADO	1,783	665	37.3%	2,078	677	32.6%	4.7%
CONNECTICUT	1,975	281	14.2%	2,018	486	24.1%	- 9.9%
DELAWARE	64	17	26.6%	55	26	47.3%	-20.7%
D. COLUMBIA	482	17	3.5%	443	26	5.9%	- 2.3%
FLORIDA	3,735	1,697	45.4%	3,788	1,595	42.1%	3.3%
GEORGIA	2,573	486	18.9%	2,899	696	24.0%	- 5.1%
HAWAII	812	442	54.4%	747	451	60.4%	- 5.9%
IDAHO	529	74	14.0%	845	104	12.3%	1.7%
ILLINOIS	6,858	2,087	30.4%	7,343	2,865	39.0%	- 8.6%
INDIANA	482	109	22.6%	671	202	30.1%	- 7.5%
IOWA	1,380	340	24.6%	1,767	522	29.5%	- 4.9%
KANSAS	1,734	722	41.6%	2,172	1,133	52.2%	-10.5%
KENTUCKY	616	96	15.6%	664	300	45.2%	-29.6%
LOUISIANA	1,843	346	18.8%	2,228	356	16.0%	2.8%
MAINE	514	97	18.9%	763	290	38.0%	-19.1%
MARYLAND	2,643	826	31.3%	3,127	937	30.0%	1.3%
MASSACHUSETTS	7,212	5,307	73.6%	7,799	5,616	72.0%	1.6%
MICHIGAN	2,881	1,143	39.7%	2,681	1,157	43.2%	- 3.5%
MINNESOTA	5,411	3,574	66.1%	4,854	3,560	73.3%	- 7.3%
MISSISSIPPI	261	53	20.3%	306	104	34.0%	-13.7%
MISSOURI	1,687	402	23.8%	1,907	337	17.7%	6.2%
MONTANA	101	46	45.5%	76	26	34.2%	11.3%
NEBRASKA	334	124	37.1%	422	126	29.9%	7.3%
NEVADA	683	110	16.1%	727	166	22.8%	- 6.7%
NEW HAMPSHIRE	228	15	6.6%	229	30	13.1%	- 6.5%
NEW JERSEY	2,488	605	24.3%	2,451	705	28.8%	- 4.4%
NEW MEXICO	327	95	29.1%	374	102	27.3%	1.8%
NEW YORK	12,461	5,013	40.2%	12,522	4,757	38.0%	2.2%
N. CAROLINA	1,316	155	11.8%	1,478	139	9.4%	2.4%
NORTH DAKOTA	207	40	19.3%	369	68	18.4%	0.9%
OHIO	2,115	1,203	56.9%	2,419	1,449	59.9%	- 3.0%
OKLAHOMA	1,164	157	13.5%	1,823	233	12.8%	0.7%
OREGON	2,017	886	43.9%	2,349	1,185	50.4%	- 6.5%
PENNSYLVANIA	4,710	1,828	38.8%	5,202	2,558	49.2%	-10.4%
RHODE ISLAND	1,340	552	41.2%	1,659	844	50.9%	- 9.7%
S. CAROLINA	181	13	7.2%	237	47	19.8%	-12.6%
S. DAKOTA	270	25	9.3%	294	23	7.8%	1.4%
TENNESSEE	1,868	326	17.5%	1,875	444	23.7%	- 6.2%
TEXAS	10,614	1,513	14.3%	12,198	2,374	19.5%	- 5.2%
UTAH	1,349	236	17.5%	1,770	523	29.5%	-12.1%
VERMONT	201	56	27.9%	156	90	57.7%	-29.8%
VIRGINIA	4,782	1,324	27.7%	5,295	1,740	32.9%	- 5.2%
WASHINGTON	6,920	4,534	65.5%	7,378	5,928	80.3%	-14.8%
W. VIRGINIA	23	10	43.5%	60	21	35.0%	8.5%
WISCONSIN	2,560	1,929	75.4%	1,933	1,670	86.4%	-11.0%
WYOMING	6	2	33.3%	18	13	72.2%	-38.9%
GUAM	29	11	37.9%	43	26	60.5%	-22.5%
OTHER	2	0	0.0%	0	0	0.0%	0.0%
TOTAL	169,621	88,143	52.0%	182,005	104,418	57.4%	- 5.4%
CALIFORNIA	62,460	48,147	77.1%	65,853	57,259	86.9%	- 9.9%
US w/o CA	107,161	39,996	37.3%	116,152	47,159	40.6%	- 3.3%

* As of 9/30/87 **As of 9/30/86

Source: Office of Refugee Resettlement

project handled an average of 35 cases, while in the mainstream welfare program, case workers could be responsible for up to 200 cases each, according to Spendal. "Effective case management does involve early high costs," he said, "but it creates long-term savings."

According to ORR figures, 34 states reduced their refugee welfare dependency rates in FY 87, with an overall decrease nationally from 57.4 percent in FY 86 to 52 percent in FY 87 (see chart, p. 3).

The cut in state administration will have other negative effects besides the reduction or elimination of case management services, according to Bacon and Weidner's survey. Six coordinators responded that their state's involvement in the refugee resettlement program would "definitely" not continue and five more said it would "probably" not continue. Eighteen said that key services like employment and language training will be "diminished or eliminated," and 24 said the cut would cause a "significant reduction" in staff size and capability.

In addition to funding case management services, Bacon said, state refugee offices are responsible for service contracting and coordination, technical assistance, and mediating between the many different agencies and interests involved in resettlement. All of these functions will be lost or greatly diminished by the cuts in state administration, she said. The result, in Arizona at least, is that "they won't reduce welfare, they will double it."

Welfare dependency among refugees in Arizona is only 4.9 percent, according to Bacon. "People take jobs within one week, but the only way to keep them there is through social adjustment services," she said, the kind of personal intervention that deals with the client's medical problems, transportation needs, family issues, and the like. Without such attention, many will quickly be out of work again, Bacon predicted, and welfare rates will go up.

The roughly $200,000 that the federal government saves in Arizona will cost them twice that much in welfare payments, Bacon said. "And in the first scenario, refugees are working, while in the second, they are not."

ORR Offers More Flexibility in Recovering Admin Costs Following appeals for help from state refugee coordinators and private voluntary agencies, six senators from key refugee policy and budget appropriations subcommittees wrote a letter on March 4 to the Secretary of Health and Human Services, Otis Bowen, urging him to give the states "more flexibility" in defining administrative costs. The FY 88 reduction, which Congress originally had estimated as a 22 percent cut from the previous year, would actually be "in excess of 50 percent," the letter said, "because it now appears that actual administrative costs were higher than we realized in FY 87, and because the entire cutback must be compressed into the few remaining months of FY 88."

The letter was signed by Sens. Lawton Chiles (D-Fla.), Lowell P. Weicker, Jr. (R-Conn.), Edward M. Kennedy (D-Mass.), Mark O. Hatfield (R-Ore.), Tom Harkin (D-Iowa), and Patrick Leahy (D-Vt.).

On March 21, ORR Director Bill Gee sent a letter to his regional offices clarifying that ORR intended to provide "maximum flexibility" to states in claiming administrative costs. The letter informed states that they could charge all direct and indirect costs, as well as costs for case management, to their social service budgets or to up to five percent of their targeted assistance grant, if they received such funding.

California faces a cutback of $5.5 million in administrative costs this year, according to Walter Barnes, refugee program manager for the state. The cost of case management services, which he estimates at $1.4 million in FY 88, will come primarily out of social service funding. Another $2.5 million is available in rollover funds from last year, but "we don't know where we will get the rest," he told Refugee Reports. "The fact is that for this year and the next, we will have less funds to deal with more refugees. Welfare will go up, and those that go on aid will stay on longer because they won't have access to services."

"But is it legitimate," asked Oregon's Spendal, "to force the cutback or elimination of direct services in order to finance state administration?" He recommended, instead, that administrative costs be folded back in with cash and medical assistance in the ORR budget. "That way," he said, "if states continue to drive down welfare dependency rates, there would be some additional funding available for administrative costs."

It is also time, Spendal said, for the states to sit down with the federal government and agree upon a definition of administrative costs that makes sense for the refugee resettlement program. "We administer a great many other things besides welfare," he said, "but all they see us doing is welfare. That is a very restricted view."

States Also Protest Cuts in Cash and Medical Assistance As of February 1, according to a recent ORR announcement, the period of federal reimbursement to states for the costs of providing cash and medical assistance to refugees has been reduced from 31 months to 24 months, a move that has sparked protest, and at least four legal suits, from state and county governments. The December 30 announcement stated that, "The funds available under the Continuing Resolution are not sufficient to enable ORR to continue to fund states for assistance to refugees during their first 31 months in the United States for the duration of FY 88."

In a letter to Sen. Kennedy, chairman of the Subcommittee on Immigration and Refugee Affairs, the National Governors' Association charged that ORR funds are insufficient because "the FY 88 budget request from ORR was based on 52,000 refugee arrivals, while in October the President approved refugee admissions for FY 88 at 68,500. Instead of requesting additional funding to meet projected needs, ORR chose to reduce federal reimbursement and shift the costs to state and local governments."

This discrepancy between ORR estimates, for budgetary purposes, of refugee arrivals and State Department estimates of refugee admissions ceilings persists in the FY 89 budget proposals. ORR uses a planning figure of 51,000, while the State Department uses 68,500. Gee told Refugee Reports in late February that the ORR figure "was strictly based on the money we had assigned to us...by the OMB [Office of Management and Budget] budget people." Government sources point to OMB as the architect of what one official described as a "squeeze play" designed to force either reductions in refugee admissions or reductions in domestic resettlement services, or both.

"OMB is posing for holy pictures when it comes to admissions," said Rep. David Obey (D-Wis.), "but it wants to leave someone else holding the bag here at home. That won't go down well in my district." Obey is chairman of the Foreign Operations Subcommittee of the House Appropriations Committee. OMB officials could not be reached for comment.

The ORR proposed budget for FY 89 would continue the 24-month period of federal reimbursement to cover the normal state share of assistance paid to refugees who meet family composition and other criteria for AFDC, Medicaid, and SSI (Supplemental Security Income). For special cash and medical assistance provided to refugees who are not AFDC-eligible, ORR has proposed in FY 89 to reduce the period of federal reimbursement to states from 18 to 12 months.

In another significant cut, the $65,694,000 that was appropriated for social services in FY 88 would be reduced to $30,000,000 in FY 89, with funding limited strictly to employment services. Funding for state administration would drop an additional $4,662,000.

Additional Arrivals This Year Pose More Money Problems With states and counties already feeling hard-pressed by funding cutbacks in FY 88, the Administration will be consulting with Congress on the prospect of admitting up to 15,000 more refugees in FY 88, without increasing either the State Department or ORR budgets. It is presumed that the majority of these new numbers will be used to resettle Armenians from the Soviet Union (see Refugee Reports, Vol. IX, No. 3).

Government officials say that no supplemental appropriations are likely this fiscal year, thanks to a budget "summit" agreement reached last December between Congress and the Administration. "We recognize there is a critical funding problem" in FY 88, said Ambassador Jonathan Moore, U.S. Coordinator for Refugee Affairs, in testimony before Obey's appropriations subcommittee. He estimated that $25 to 30 million would be needed to cover admissions costs for 15,000 people, but pointed out that "15,000 is a ceiling. Actual needs will be based on many variables."

Moore listed a number of actions that are being taken to come up with the needed funding, including the reduction of services provided to refugees in transit in Western Europe, the reduction of reception

and placement grants, and cutbacks in the overseas language and orientation programs. Additional money will come from unused admissions numbers in the current regional ceilings, as well as from the Emergency Refugee and Migration Assistance fund and, possibly, "unspent funds in other Department accounts," said Moore.

To accommodate the new arrivals without new funding this year, ORR may be forced to further reduce the federal reimbursement period for cash and medical assistance from 24 months to 20 months, according to government sources. Observers worry that the combination of larger refugee numbers and smaller budgets will create a community backlash against new arrivals and the refugee program as a whole.

"The media is going to be full of the angriest and most vocal refugees protesting the lack of services," said Bacon. "It will be particularly sad because it is all so unnecessary. ORR has one of the most successful stories to tell for 1987. Direct administrative costs went down, case management costs increased slightly, but welfare rates went down, despite the fact that we consistently have served a larger number of refugees than what we were funded for. Now they are making deep budget cuts, and they don't really know what they are eliminating."

Recent Developments

REVISED ASYLUM REGULATIONS WOULD CREATE CORPS OF ASYLUM ADJUDICATORS WITHIN INS

The Immigration and Naturalization Service (INS) has proposed a revised version of its regulations governing asylum adjudication in the United States.

The new regulations, published in the April 6 Federal Register, would create a corps of specially trained asylum officers who would be responsible for conducting initial nonadversarial interviews with asylum seekers. Those denied asylum by the asylum officers would be permitted to reopen their asylum applications with immigration judges in deportation or exclusion proceedings.

An earlier proposal that would have vested INS asylum officers with exclusive jurisdiction over asylum cases, and reduced the role of immigration judges in the asylum process to that of rubber stamps, was withdrawn following a storm of protest (see Refugee Reports, Vol. VIII, Nos. 9 and 11). Critics had maintained that because asylum officers would be part of the INS, which is charged with immigration enforcement, they would have an inherent bias towards enforcement priorities. Critics had also charged that conducting nonadversarial hearings with no meaningful system of appeal violated asylum seekers' due process rights.

Asylum Officers Essentially Would Replace Function of District Directors in Adjudicating Asylum Claims The revised regulations are a less radical departure from current asylum determination practices than the regulations that the INS had proposed in August. Under the present system, aliens may apply to INS district directors for asylum or apply for asylum before immigration judges in the context of deportation or exclusion hearings, often following the denial of their claims by district directors. The newly created asylum officers would replace district directors in this function, according to the revised regulations. The role of immigration judges would be unchanged from current practice.

By transferring this function away from INS district directors to a specially trained corps of asylum adjudicators, the INS is hoping to achieve a higher degree of uniformity than under the current system. Decisions by asylum officers will be subject to review by higher officials in the INS central office and by the Office of the Deputy Attorney General.

"This is a good first step in rationalizing the asylum adjudication procedure and toward parceling functions outside the INS," said Arthur Helton, director of the political asylum project of the Lawyers Committee for Human Rights, and one of the leading critics of the asylum regulations proposed in August. Helton spoke favorably about the restoration of the role of immigration judges together with the new training of asylum officers.

Helton also said that the revised regulations were an advance over the August proposals because they no longer give preference to Department of State advisory opinions in asylum adjudications and limit the scope of those opinions. Critics of U.S. asylum practices have charged that State

Department advisory opinions have tended to introduce political and foreign policy considerations into the adjudication process. The revised regulations state that asylum officers may rely on information provided by the Department of State, the Justice Department, "or other credible sources, such as international organizations, private voluntary agencies, or academic institutions."

Deborah Anker, who teaches immigration and asylum law at Harvard Law School, and who is co-chair of the refugee and asylum committee of the American Immigration Lawyers Association (AILA), which also played a leading role in opposition to the regulations proposed last August, credited the revised regulations for retaining immigration judges and due process hearings on asylum claims. She also expressed satisfaction that the revised regulations dropped the earlier listing of adverse factors that could form the basis of discretionary denials of asylum, such as the alien's immigration status and manner of entry into the country.

"The Outpouring of Concern Was Heard" Aside from what leading critics saw as substantive improvements in the regulations, they also expressed appreciation of the dialogue that developed with the INS.

Anker said that many of the changes can be traced to specific concerns raised by AILA and others. "The outpouring of concern was heard," she said. "That is a positive development for the regulatory process."

Asylum Applicants Do Not Need to Establish They are Singled Out Individually for Persecution The revised regulations reflect the more liberal standard of "a well-founded fear of persecution" to establish eligibility for asylum, as called for by the Supreme Court in the INS v. Cardoza-Fonseca decision (see Vol. VIII, No. 3 and story on page 11 of this issue).

The earlier proposal in August had recognized that those fleeing persecution often have difficulty in corroborating their claims, and allowed asylum applicants to show that persons in their position, as opposed to themselves individually, could be subject to persecution.

The INS district director in Bangkok objected to this formulation, saying that not requiring applicants to provide evidence that they would be singled out for persecution "could lead to the assumption that mere group membership alone--however nominal--would be sufficient to establish refugee status."

The revised regulations maintain the earlier language that asylum officers and immigration judges "shall not require the applicant to provide evidence that he would be singled out individually for persecution," but respond to the Bangkok district director's objection by requiring that the applicant must establish 1) that there is a pattern of persecution of groups of persons similarly situated and 2) that his own inclusion and identification with that group is such that his fear of persecution is reasonable.

This formulation marks a clear departure in U.S. government policy in determining refugee status. By contrast, then Assistant Secretary of State for Human Rights Elliot Abrams wrote in the March 15, 1985 Wall Street Journal that an asylum applicant "must show that he as an individual [his emphasis] has a 'well-founded fear of persecution'.... This means that the applicant must demonstrate that he or she would more likely than not be singled out for persecution."

Certain Issues Remain Controversial Critics continue to note a number of objections to the revised regulations. For example, the regulations permit immigration judges to deny full evidertiary hearings when the asylum applicant is subject to one of the mandatory grounds of denial--such as having been involved in the persecution of others; having been convicted of a "particularly serious crime"; having been "firmly resettled" in a third country; or being "a danger to the security of the United States" (and, in the case of withholding of deportation, if there are reasons to believe the applicant committed a serious nonpolitical crime outside the United States).

What this means is that if an asylum seeker was convicted of a burglary, for example, the immigration judge could limit his asylum and deportation hearing to a determination of whether his crime constituted a mandatory ground for denial of asylum, without taking into consideration the

grounds for his fear of persecution if returned to his home country.

"The seriousness of the crime needs to be balanced against the seriousness of the persecution the person could face if turned back," said Anker. She said this is the major issue of concern to AILA in the revised regulations, but that she was "hopeful" it could be changed during the comment period if enough people express concern about it. "The INS response to the August proposed regulations reflected the breadth and volume of response to them," she said.

"As the regulations presently stand," she said, "a person who committed one crime in the distant past, with mitigating circumstances, rehabilitation, close ties to the United States, could still be denied asylum and a hearing on the persecution claim despite a serious threat of persecution if returned." She said that this could have a particularly serious effect on many Mariel Cubans seeking asylum.

Anker also cautioned that the inclusion of "firm resettlement' in a third country as a mandatory ground for denial of asylum was problematic because the phrase is "subject to many different interpretations" and that there is "some danger that discretionary grounds for denial, such as immigration status and manner of entry, could creep into the 'firm resettlement' rubric and become the subject of mandatory denials."

While concurring that the denial of full evidentiary hearings was "a serious legal issue," Helton raised another objection based less on legal requirements, than on one aspect where the regulations are not generous enough in giving asylum seekers the benefit of the doubt beyond the legal minimum. Helton maintained that the regulations' treatment of motions to reopen asylum hearings are overly restrictive. Following the recent Supreme Court decision in INS v. Abudu (see Refugee Reports, Vol. IX, No. 3), the regulations require applicants in motions to reopen to "reasonably explain the failure to request asylum prior to the completion of the exclusion or deportation proceeding."

Helton said, "Just because the Supreme Court allows the authorities to be ungenerous doesn't mean they should be."

Written comments on the proposed regulations must be submitted in duplicate before May 6. They should be addressed to the Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 Eye St., NW, Rm. 2011, Washington, DC 20536.

AGENCIES, GOVERNMENTS GEARING UP FOR AFGHAN REFUGEE REPATRIATION

With the April 14 signing of the Geneva accords calling for the withdrawal of Soviet troops from Afghanistan, a new urgency is being felt by Western governments, as well as international and non-governmental agencies, about what potentially could be the most massive repatriation of a refugee group in modern times. The Soviet troops are to begin leaving as early as May 15, with half of the 115,000 troops scheduled to withdraw within the first three months, and a complete withdrawal within nine months. The speed with which the accords were signed, as well as the fast-paced plan for the Soviet exit, has caught the international community somewhat off balance in terms of its planning for repatriation of the refugees.

There are presently an estimated 3.54 million Afghan refugees in Pakistan, 2.2 million in Iran, and an additional 2 million internally displaced persons within Afghanistan, according to the 1987 World Refugee Survey.

On March 31, private voluntary agency personnel discussed preparations for the repatriation effort with State Department Deputy Assistant Secretary for International Refugee Assistance Kenneth Bleakley, at the offices of the American Council for Voluntary International Action (InterAction).

The situation in Afghanistan was described as very fluid, and the picture of Afghanistan's future as murky. Visitors to Pakistan have the general impression that the refugees very much want to return home. The major impediment to their return is the presence of Soviet troops and general levels of violence in the country. Their ability to survive, although of major concern to the international community, seems to be of less concern to the refugees themselves. The Afghans were characterized as a "remarkably resilient" people, but many of the areas to which the refugees would return were described as devastated, and unable to support the food needs of returnees.

Bleakley observed, "There is an inexor-

IRC clinic brings medical care to Afghan women in Oblan, Kahat Dist./NWFP
photo credit: Louis Dupree

able arithmetic at work. Death will occur if there are inadequate resources for survival."

Estimates for the repatriation run into the hundreds of millions of dollars. If only 3 million refugees received repatriation assistance, including 6 months of basic food rations, the cost could well be in excess of a half-billion dollars.

Congressional Resolution To Be Introduced Rep. John Edward Porter (R-Ill.) is expected to introduce a resolution on April 19 urging the UNHCR to develop immediate plans for the repatriation of Afghan refugees and calling on the U.S. State and Treasury Departments to urge multilateral development banks and international organizations to which they relate to contribute $300 million over the next five years for Afghan relief and reconstruction. The resolution is also expected to urge member nations of the NATO and the European Community to contribute $100 million; OPEC nations, including Saudi Arabia, to contribute $200 million; and Japan, Korea, Taiwan, China, and the ASEAN nations to contribute $100 million. The resolution is also expected to call upon the President to request $250 million from Congress in the event that all military assistance is terminated from both the Soviet Union and the United States.

Senate Staff Take First-Hand Look Several members of the Senate refugee subcommittee staff recently returned from Pakistan, where they had a first-hand look at the developing situation.

"My overwhelming impression is that the repatriation will be neither immediate nor sudden," said Michael Myers, subcommittee counsel. "The refugees are eyeing the situation carefully and will not return until the Soviets are out and there is some semblance of order in the country."

Myers said that the refugees know the conditions in their home areas in great detail and would be "very rational" about how and when they would return. He said that most would not return at least until the spring planting season in 1989.

Myers also gave an estimate of repatriation costs ranging from a low of $35 per capita to a high of $200.

Repatriation Costs To Be High Given the

millions of refugees involved, the costs are sure to be high in any event. One U.S. Agency for International Development (AID) official told Refugee Reports, "This goes beyond anything AID has ever dealt with. It goes beyond the U.S. government. This needs to be led by the United Nations."

Bleakley outlined great stringencies on the current refugee program budget at the InterAction meeting, noting that there is a firm cap on the overall federal budget. However, preliminary soundings with other members of the international donor community have been encouraging.

Robert DeVecchi, executive director of the International Rescue Committee, told Refugee Reports that since the State Department says there is no money available for admitting 15,000 additional refugees this year, "I don't know whether the same restrictions apply for assistance for Afghan repatriation from existing appropriated funds."

DeVecchi said that the actual prospect of a Soviet withdrawal has taken the international community by surprise and has caught people off guard. He said, however, that it would be inconceivable to him that the United States would not "support the rebirth of Afghanistan in as free a mode as possible." He said that the bipartisan U.S. foreign policy goal all along has been the withdrawal of Soviet troops. "Having supplied millions of dollars to the refugees and freedom fighters all these years, it would be incomprehensible to abandon them now when they are on the brink of return to their country."

The International Rescue Committee is in the process of forming a select citizens' commission to act as "a galvanizing lightning rod" on the Afghan repatriation issue, a catalyst for a concerted international response, according to DeVecchi.

Peter Rees, field director in Peshawar of Afghan Aid, a British-based charity, told the Daily Telegraph and the Times of London on March 26 that it would take nine months just to prepare a coordinated strategy among private voluntary agencies and the major international donors. Rees said that the aid community could cope with, at most, 20 percent of the refugee population returning the first year.

If by late August Soviet troops have withdrawn from the areas that the refugees fled, large numbers could leave Pakistan before a planned, phased repatriation program could be established.

"If more than 20 percent of the refugees go back in the first six months, there will be serious problems," Rees said. "If 70 to 80 percent go back, Afghanistan will simply not be able to feed them."

Providing food, transport, seed, draught animals, temporary shelters, and cash would present major problems, according to Anders Fenga, field representative in Peshawar of a Swedish group providing cross-border humanitarian aid. "Even if aid gets to Kabul, the countryside won't be able to suck it up," he told the Daily Telegraph. Fenga said that rural, mountainous areas are inaccessible by road.

"I don't think anybody realizes how badly damaged Afghanistan is," said Rees. He said that wheat production is 30 percent lower than pre-war yields, and that "it will take seven or eight years to get the livestock up to pre-war levels."

When and How Will Refugees Return? Planning for the repatriation is complicated because no one knows when or how the refugees will return. "The refugees came to Pakistan when they decided it was the right thing to do," said an AID source, "and they will return when they think it is the right time."

Journalists have already noted some evidence of spontaneous return to areas outside Afghan government control. (The Afghan government also claims that 120,000 refugees have returned to areas of its control--a claim that is strongly discounted by the U.S. and Pakistani governments and by the Afghan resistance.)

Experts disagree about whether husbands and fathers will go home first to scout the area, plant crops, and rebuild before calling for their families to return, or whether families will return as a unit.

One school of thought holds that the Afghan family as a whole functions as a single economic unit and the culture frowns upon breaking up families. Others say that the model of the Jihad--Holy War--waged by the Mujahideen provides a model and precedent for the breadwinners to go home first and prepare the way for their families. "The Jihad could be a marvelous force if turned toward development," commented one

"Death will occur if there are inadequate resources for survival." photo credit: Minneapolis Star and Tribune

expert.

The IRC is preparing for either contingency, DeVecchi said. He said, "We are planning to continue our present services for refugees in Pakistan and to assist groups making the decision to go back."

The role of private voluntary agencies in the next several months will be critical, according to Bleakley. "There is real urgency now to make sure the refugees are well-nourished before they return, to get innoculations, sanitation, and maternal care in place before they return."

COURT SAYS PAY MORE THAN LIP SERVICE TO SALVADORAN'S "WELL-FOUNDED FEAR"

In a continuing effort to grapple with last year's Supreme Court decision in the case of INS v. Cardoza-Fonseca, the U.S. Court of Appeals for the Ninth Circuit has ruled that immigration judges and the Board of Immigration Appeals (BIA) must do more than pay "lip service" to the Supreme Court decision.

In Cardoza-Fonseca, the Supreme Court distinguished between the more difficult standard for withholding deportation--a "clear probability" of persecution--versus the standard for granting asylum--a "well-founded fear" (see Refugee Reports, Vol. VIII, No. 3).

The case that raised the ire of the ninth circuit concerned Manuel Arteaga, a Salvadoran claiming asylum on the basis of his fear that a group of his former friends who were now guerrillas had tried to persuade him to join them. After he told them that he would remain neutral in the conflict, he testified that they told him, "Even if you don't come, we'll get you." Fearing that threat, he left for the United States.

An immigration judge denied asylum and withholding of deportation saying that the guerrillas "did not take him into custody." The BIA affirmed the immigration judge's decision.

The ninth circuit ruled that, in effect, the BIA was still failing to distinguish between the more generous standard for asylum and the tougher standard for withholding of deportation. The court returned the case to the BIA and told it to apply the more generous standard to Arteaga's asylum claim.

The ninth circuit noted that the BIA had alluded to the Cardoza-Fonseca's well-founded fear standard in affirming the immigration judge's denial of Arteaga's asylum claim. However, the court said, "Notwithwithstanding its lip service to Cardoza-Fonseca, the BIA decision here fails to make explicit that the more generous standard was applied to this asylum claim." The court said that the BIA merely inserted "boilerplate language" as so many "magic words" without actually applying the legal standard meant by those words.

The court held that Arteaga's resistance to joining the guerrillas voluntarily meant that "the guerrillas would have had to kidnap him to get him into their ranks. Such a deprivation of liberty on account of political opinion would amount to persecution." Applying the Cardoza-Fonseca standard, the court went on to say, "A specific verbal threat by the guerrillas directed at an individual whose identity and residence are

known to the guerrillas is sufficient to create a well-founded fear."

Update

° On April 12, Sens. Rudy Boschwitz (R-Minn.) and Mark O. Hatfield (R-Ore.), along with 22 other senators, sent a letter to Secretary of State George Shultz expressing "deep concerns that first asylum for Indochinese refugees will disappear unless the U.S. takes priority diplomatic and program steps now to shore up the situation." The letter stated that Thailand was continuing pushbacks of Vietnamese boat refugees, and that first asylum for lowland and highland Lao "is also being generally denied."

Many of the boats being pushed off from Thailand's southern coastline are arriving in Malaysia--contributing to a March arrival figure of over 1,000, according to the UN High Commissioner for Refugees (UNHCR). "We are concerned that a denial of asylum could occur any day" in Malaysia, the letter said.

The senators asked Shultz for a report on Indochinese refugee admissions in FY 88 "along with recommendations on how to overcome any shortfalls." Current projections indicate that about 27,000 Indochinese will be admitted from first asylum countries, out of an FY 88 ceiling of 29,500, according to government sources. With a refugee ceiling of 8,500 for the Orderly Departure Program from Vietnam, just over 7,000 are likely to enter in FY 88.

"In light of the precarious asylum situation in Thailand and throughout the region," the letter stated, "the existence of unused numbers would contradict Congressional intent and your clearly announced commitment made at last summer's ASEAN [Association of Southeast Asian Nations] gathering."

° The Office of Refugee Resettlement (ORR) has given a small grant to the Lutheran Immigration and Refugee Service (LIRS) to coordinate two meetings and issue a report on effective program strategies for the resettlement of Amerasians and their accompanying family members. The Amerasian Homecoming Act, enacted in December, is expected to trigger admissions of up to 12,000 Amerasians and 18,000 family members from Vietnam in the next two years.

"We hope this project will help to promote community planning and coordination of services," said Marta Brendan, LIRS project coordinator. "Amerasian children tend to have low self-esteem and the resettlement experience seems to be particularly difficult for them, since it reawakens a sense of loss and inadequacy," Brendan told Refugee Reports. "It is so important that communities give them and their families assertive attention on arrival."

The first meeting in mid-March was attended by representatives from ORR, the Department of State, private voluntary agencies and their local affiliates, refugee state coordinators, the Vietnam Veterans of America, the Indochina Resource Action Center, and Vietnamese community organizations. A second meeting will be held in mid-April.

° U.S. Border Patrol apprehensions of undocumented aliens on the southern border rose to 109,585 in February, a 17 percent increase over February 1987. January 1988 apprehensions also increased by about 3 percent over 1987, but were substantially below 1986, Alan C. Nelson, commissioner of the Immigration and Naturalization Service (INS) announced on March 18.

On March 23, he testified before a House appropriations subcommittee that the INS intended to add 1,000 Border Patrol agents by the end of 1988, for a total of 4,000 (as opposed to 2,900 in 1986). In 1987, the Border Patrol apprehended 1,158,030 undocumented aliens, a 31.6 percent decrease from the 1,692,544 apprehended in 1986.

The FY 89 budget request for the INS includes an increase of $9.2 million for detention and deportation. Nelson told the subcommittee that the additional funds will be needed to staff new facilities in Los Angeles and Oakdale, Louisiana set up to detain criminal aliens awaiting deportation, according to the March 28 Interpreter Releases.

° Polish, Afghan, Ugandan, and Ethiopian nationals who have been protected by extended voluntary departure (EVD)--a temporary reprieve from deportation granted by the Attorney General--will be able to adjust their status to that of temporary resi-

dent aliens, if they have been present in the United States since July 21, 1984, according to new regulations published in the March 21 Federal Register. The adjustment process for them will be comparable to the procedure used for other aliens legalizing their status under the Immigration Reform and Control Act of 1986.

° On April 12, the House Judiciary Immigration Subcommittee unanimously reported two bills to the full committee. The first, HR 2922, would provide a mechanism for determining a temporary safe haven status for nationals of countries experiencing civil strife or natural disasters (see Refugee Reports, Vol. VIII, No. 11).

The second bill, HR 1119, would amend the Immigration and Nationality Act (INA) with respect to the grounds for exclusion and deportation. The bill's sponsor, Rep. Barney Frank (D-Mass.), said that HR 1119 showed that "it is possible to accommodate political diversity without endangering us." He said that of the 33 grounds for exclusion in the 1952 INA, the areas of controversy have been limited to three or four points, including whether to exclude aliens whose entry could cause adverse foreign policy consequences or aliens subversive to the national security. Several members of the subcommittee, while voting out the bill, indicated that they reserved the right to introduce amendments when it comes before the full Judiciary Committee.

° On April 6, The Ethiopian government ordered all foreign relief workers to leave the provinces of Tigray and Eritrea. The International Committee of the Red Cross (ICRC), Catholic Relief Services, and others were told to "hand over" their famine relief operations and equipment to the Ethiopian government's own agency or to local relief agencies, according to the Washington Post. The announcement came abruptly and without warning, according to the Post.

The ICRC issued a statement on April 7 saying that it was convinced that "there is now an even greater need to continue and even increase the protection and assistance activities" because of the intensified fighting in these regions. The ICRC said that it had "a humanitarian responsibility for the fate of some five million people living in these areas."

Knowledgeable sources indicated that the expulsions could herald not only a major offensive in the region by the Ethiopian Army, but also severe food shortages. Both could result in massive refugee movements from Tigray and Eritrea into the Sudan or into the cities.

° Some 45,000 recent Sudanese refugee arrivals in Ethiopia's southwest are experiencing severe malnutrition, according to sources in Addis Ababa. The refugees, mostly young boys fleeing civil war in Sudan, have experienced intense trauma before and during their escape, and now are without adequate food and medical attention in newly established refugee camps in Ethiopia.

One official described the situation in the Fugnido camp as the worst situation he had seen in more than 37 years with the UN. Since its creation in November, Fugnido has quickly grown to hold between 25,000 and 30,000 refugees, more than half of whom are under the age of 15. An international delegation to the camp reported that its residents "compared poorly with pictures of Nazi concentration camp victims and were as bad or worse as anything seen in Ethiopia during the 1984-86 famine."

On April 12, the U.S. Committee for Refugees wrote to the UN High Commissioner for Refugees and U.S. Secretary of State saying that these conditions exist "despite what appear to be sufficient in-country resources."

The Washington Post reported on April 15 that the Ethiopian Red Cross could be overburdened in caring for these refugees "because of the government's recent decision to evict all foreign relief workers from war-torn Eritrea and Tigray provinces, where an estimated 2 million people are at risk of starvation.

° All Tamil refugees in the Indian state of Tamil Nadu are to be sent back to Sri Lanka within the next six months, according to the director of refugee rehabilitation in Tamil Nadu. The official, Mr. Palanichamay, held a news conference on April 3 in which he announced that 3,000 refugees would be removed from refugee camps and sent back to Sri Lanka on April 9. Tilak Chadrasekara, senior assistant secretary for the Ministry of Rehabilitation, told Lanka

Puwath, an English-language Colombo paper, that 20,526 Sri Lankan refugees have already been returned since the signing of the July 29, 1987 Indo-Sri Lanka agreement (see Refugee Reports, Vol. VIII, No. 8). He added that 500 refugees from the Jaffna sector would be returned on April 5.

Palanichamay said that both the 3,000 to be repatriated on April 9, and all those sent back so far, came from the Mannar district of Sri Lanka. He added that the government is also arranging to send back refugees who came from Sri Lanka's war-torn Jaffna province. He said that the Indian peacekeeping force would take care of them upon their return to Sri Lanka. He also said that UNHCR had contributed money for their rehabilitation. After the refugees living in Indian refugee camps have been returned, he said, the 10,500 refugees living outside camps would be repatriated. He said that the state government had informed the Indian federal government that refugees from the Sri Lankan towns of Colombo, Kandy, and Navaroli said they were afraid to return to their homes.

° Soviet Jewish emigration rose to 944 in March, nearly reaching the highest monthly total ever, the Intergovernmental Committee for Migration (ICM) reported.

On April 12, 35 Jews seeking permission to emigrate were arrested after a demonstration in Moscow, according to press reports.

ICM reported 1,053 Soviet Armenian arrivals in Rome on March 7 (compared to 2,933 for all of 1987).

Projects and Programs

"COMMUNICATING SURVIVAL" VIDEOTAPES AVAILABLE

In Arlington, Virginia, where one out of seven residents does not speak English as a native language, a local nonprofit group has produced a series of videotapes teaching limited-English-speaking immigrants and refugees about vital public services.

The series, "Communicating Survival," was produced by Arlington Community Television (ACT), with funds raised from regional foundations, corporations, and local government. The project has received positive national attention, and, as a result, ACT has produced six of the programs in a generic version that can be used anywhere in the country.

"Social service providers have had a very difficult time responding to the survival-level needs of newcomers," ACT executive director Steve Israelsky said in explaining why ACT began the project. "They need to inform people who are often illiterate in their own language, as well as in English. Obviously, printed materials are inadequate. And even bilingual caseworkers could only reach so many people. What was needed was an unwritten means of informing large numbers, in their own language, about services basic to their everyday life and survival."

Each of the programs in the series is about 15-minutes long, and focuses on a single topic. Emergency: Call 911, the award-winning pilot program of the series, teaches the use of the 911 emergency system. Help Wanted teaches how to locate, apply, and interview for prospective jobs. Personal Checking teaches that a bank account is a safe and convenient way to pay bills and handle money. The Supermarket walks the viewer through a modern supermarket, explaining such things as packaging, expiration dates, and express lines. Obtaining Health Care teaches that medical care is available for all who need it, using maternity care and immunization as practical examples. The New Immigration Law explains in common terms the basic issues surrounding the immigration reform act. It encourages the viewer to obtain legal assistance and offers suggestions as to how it may be obtained.

"As ACT is a cable television production and programming facility, naturally we air each program in each language repeatedly," Israelsky explained. "Likewise, we are making the videotapes available to other cablecast facilities throughout the country. We expect, however, that their most effective use will come from school systems, local governments, libraries, social service providers, extension services, and adult education programs who use the videotapes for direct screenings, as has been done here in Arlington."

The series was developed in cooperation with the Arlington Red Cross, the Arlington County School system's English for Speakers

of Other Languages program, many Arlington refugee and immigrant service providers, and a community advisory body. "More than 100 people have guided ACT in the design and script development of this series," said producer/director Jeff Sutton. "We could not have developed it without their help."

All of the videotapes are available in English, Spanish, Vietnamese, Cambodian, Lao, and Farsi, with the exception of The New Immigration Law, which is available only in Spanish. Each of the videotapes is available for purchase in either 3/4 inch or 1/2 inch VHS and Beta formats.

The cost for purchasing up to 6 copies of each tape is $65.00 for each 3/4 inch video, or $40.00 for each 1/2 inch. A 20 percent discount may be taken for orders sent with payment. For larger orders, additional discounts are available. All orders must be accompanied by either a purchase order or a check. Preview tapes are available free for up to 30 days.

To order, or for further information, write to Arlington Community Television, 3401 N. Fairfax Drive, Suite 300, Arlington, VA 22201. (703) 524-2388.

Reader Exchange

STATE COORDINATOR JOB OPEN IN ARIZONA

Arizona has a job opening for the position of State Coordinator of the Refugee Program, heading a staff of 15 people in Phoenix. The beginning date for employment is June, but applications must be postmarked by April 29. For more information contact the Arizona State Personnel Division, 1831 West Jefferson, Phoenix, Arizona 85007, Attention: Frank Liu, (602) 255-5482.

Resources

WORLD REFUGEE SURVEY FOR 1987 PUBLISHED

The number of refugees worldwide has grown to 13.3 million, according to the World Refugee Survey: 1987 in Review, recently published by the U.S. Committee for Refugees.

The largest single new flow of refugees during the year was of 350,000 Mozambican refugees fleeing into Malawi. The count of Mozambicans in Swaziland, Zimbabwe, and Tanzania also increased by 55,000, 88,000, and 66,000 respectively over USCR's 1986 figures. USCR estimates a total of 917,000 Mozambican refugees in the region, and an additional 2 million internally displaced. "Hidden among these stark statisticss are deep personal tragedies," wrote Tom Brennan. "Increasingly, refugees have required treatment for malnutrition and shock, and many have been emotionally incapacitated by their experiences."

Sen. Edward M. Kennedy (D-Mass.), chairman of the Senate Subcommittee on Immigration and Refugee Affairs, examined refugee movement throughout southern Africa in a lead essay in the Survey.

After describing how innocent rural Mozambicans have been subject to "some of the most brutal and dehumanizing treatment known to man," Kennedy said, "the traumatization of hundreds of thousands of innocent peasants and the depopulation of broad areas of productive land...require[s that]...these refugees deserve a secure sanctuary, free from the fear of being forced back into the violence and brutality that they risked their lives to escape."

Kennedy observed, however, that many are being denied this basic protection. He specifically cited an electrified fence built by South Africa "to insulate itself from the very catastrophe it has so deliberately fostered."

Other major essays by authorities in the field include articles on children in exile, Afghan refugees in Pakistan, and asylum policies in the United States and Western Europe.

The World Refugee Survey includes individual "country reports" on 65 nations that host refugee populations. Regular features of the Survey also include statistics on worldwide refugee populations, a directory of organizations, a bibliography, and USCR Director Roger P. Winter's "Year in Review".

The World Refugee Survey is sent to all Refugee Reports subscribers. Additional copies are available for $8 each; $6 for 10 or more copies. To order, write to the U.S. Committee for Refugees, 815 15th St., NW, Suite 610, Washington, DC 20005.

ORR REFUGEE AND ENTRANT ASSISTANCE BUDGETS, 1987 to 1989

	1987 Enacted	1988 Estimated	1989 Request	Increase or Decrease 1988 to 1989
Cash and medical assistance (CMA)	225,316,000	207,043,000	182,304,000	-24,739,000
State administration of CMA	33,797,000	26,231,000	21,569,000	- 4,662,000
Social Services	68,617,000	65,694,000	-0-	-65,694,000
Employment services	Not Applicable	N/A	30,000,000	+30,000,000
Voluntary agency matching grant program	3,828,000	7,659,000	7,659,000	Same
Preventive health	8,039,000	5,840,000	3,000,000	- 2,840,000
Targeted assistance	-0-	34,466,000	34,466,000	Same
TOTAL	339,597,000	346,933,000	278,998,000	-67,935,000

Source: Office of Refugee Resettlement, Family Support Administration, Department of Health and Human Services.

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